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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **CHARLES W. LOGAN,**

9 Plaintiff,

10 vs.

11 **STATE FARM,**

12 Defendant.

CASE NO. 17-cv-03031-YGR

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS CASE
WITHOUT PREJUDICE, DENYING MOTION
TO CHANGE VENUE, DISMISSING CASE
WITHOUT PREJUDICE**

Re: Dkt. Nos. 14, 16

13 The Court has reviewed Magistrate Judge Kandis A. Westmore's Report and
14 Recommendation Recommending Dismissal of Action for Failure to Prosecute (Dkt. No. 14),
15 issued December 6, 2017. No objection was filed to the Report and Recommendation, however
16 plaintiff Charles W. Logan filed a Motion to Change Venue (Dkt. No. 16) on December 22, 2017.¹

17 The Court finds the Report and Recommendation correct, well-reasoned, and thorough,
18 and adopts it in every respect. Plaintiff Charles W. Logan has filed two complaints which failed to
19 set forth facts and legal theories to state a claim on which relief may be granted, which were
20 dismissed with leave to amend pursuant to 28 U.S.C. section 1915(e)(2). (Dkt. Nos. 9, 12.)
21 Plaintiff was given an additional opportunity to file an amended complaint by no later than
22 October 6, 2017, and did not do so, either by that deadline or thereafter. Further, plaintiff did not
23 respond to an Order to Show Cause Re: Dismissal for failure to prosecute, which required a
24 response by November 3, 2017. (Dkt. No. 13.)

25 Plaintiff's motion to change venue does not cure the deficiencies in his complaint, nor
26 does it seek leave to amend the complaint or set forth cognizable claims. While plaintiff's motion

27 ¹ Plaintiff also subsequently filed an appeal which stayed consideration of action herein
28 until such time as it was dismissed for lack of jurisdiction on May 23, 2018. (See Order in Ninth
Circuit Court of Appeal Case No. 18-15017, at Dkt. No. 19 herein.)

1 contends that he has injuries arising from the conduct of officers and employees of the federal
2 judiciary, plaintiff does not state what those injuries are or name a defendant other than State
3 Farm, a private insurance company. In addition, plaintiff's motion does not request that the venue
4 of this action be changed to any other, nor does it state a factual basis for such a change of venue.

5 Accordingly, and for the reasons set forth in the Report and herein:

6 1. the Report and Recommendation (Dkt. No. 14) to dismiss the amended complaint
7 without prejudice is **ADOPTED** in full.

8 2. the motion to change venue (Dkt. No. 16) is **DENIED**;

9 3. the action herein is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute due to
10 plaintiff's failure to file a second amended complaint.

11 This Order terminates the case. The Clerk shall close the file.

12 **IT IS SO ORDERED.**

13 Dated: May 31, 2018



14 **YVONNE GONZALEZ ROGERS**
15 **UNITED STATES DISTRICT COURT JUDGE**